

CHAPTER 21—INDIAN CHILD WELFARE**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 1653, 1727 of this title.

§ 1903. Definitions**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1727, 3202 of this title.

CHAPTER 22—EDUCATION PROGRAMS OF BUREAU OF INDIAN AFFAIRS**§ 2001. Standards for basic education of Indian children in Bureau or contract schools****WHITE HOUSE CONFERENCE ON INDIAN EDUCATION**

Part E (§§ 5501-5508) of title V of Pub. L. 100-297, as amended by Pub. L. 100-427, § 26, Sept. 9, 1988, 102 Stat. 1614; Pub. L. 101-301, § 5(e), May 24, 1990, 104 Stat. 208; Pub. L. 102-27, title III, § 306, Apr. 10, 1991, 105 Stat. 152, provided that:

[See main edition for text of Sec. 5501]

“SEC. 5502. AUTHORIZATION TO CALL CONFERENCE.

“(a) the [sic] President shall call and conduct a White House Conference on Indian Education (hereinafter in this part referred to as the ‘Conference’) which shall be held not earlier than a date which shall be 9 months after the date of the initial meeting of the Advisory Committee established pursuant to section 5506 of this part and not later than 12 months after the date of said meeting.

[See main edition for text of (b); Sec. 5503]

“SEC. 5504. ADMINISTRATIVE PROVISIONS.

[See main edition for text of (a)]

“(b) ESTABLISHMENT OF TASK FORCE.—

“(1) If the President calls the Conference, the Secretary of the Interior and the Secretary of Education, acting jointly, shall establish the Task Force on the White House Conference on Indian Education which shall consist of the Executive Director of the National Advisory Council on Indian Education and of such employees of the Department of the Interior and the Department of Education as the Secretary of the Interior and the Secretary of Education determine to be necessary to enable the Task Force to carry out its duties.

[See main edition for text of (2)]

“(3) All staff assigned to the Task Force (but not the Executive Director of the National Advisory Council on Indian Education) shall work on preparations for, and the conduct of, the Conference on a full-time basis.

[See main edition for text of (4) to (6)]

“(7) Sums appropriated under the authority of section 5508 shall not be used to pay the salaries of employees of the Department of the Interior or the Department of Education who are assigned as staff to the Task Force; but the salaries of such employees shall be paid out of funds appropriated to the employing Department under the authority of other provisions of law.

[See main edition for text of (c) to (f); Sec. 5505]

“SEC. 5506. ADVISORY COMMITTEE.

“(a) COMPOSITION.—There is hereby established the Advisory Committee of the Conference (hereafter in this part referred to as the ‘Advisory Committee’) composed of—

[See main edition for text of (1) to (4)]

“(5) the Secretary of Education or a delegate of the Secretary;

“(6) the Director of the Task Force; and

“(7) the chairman of the National Advisory Council on Indian Education.

The President, the President pro tempore of the Senate, and the Speaker of the House of Representatives, shall, after consultation with Indian tribes, ensure that members of the Advisory Committee are broadly representative of all Indians of the United States.

“(b) FUNCTION.—The Advisory Committee shall assist and advise the Task Force in planning and conducting the Conference. The Advisory Committee shall be consulted on, and shall advise the Task Force and the Congress on, all aspects of the Conference and actions which are necessary for the conduct of the Conference.

[See main edition for text of (c) and (d); Sec. 5507]

“SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for each of the fiscal years 1990, 1991, and 1992 such sums as may be necessary to carry out this part. Such sums shall remain available until expended.”

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

§ 2008. Allotment formula

[See main edition for text of (a) and (b)]

(c) Adjustments to formula for fiscal year 1990 and subsequent fiscal years; equal allowance for school board training and activities; amounts for school board training and activities; adjustment for gifted and talented students; funds for contract schools treated as State political subdivisions

[See main edition for text of (1)]

(2)(A) The Secretary shall reserve for national school board training 0.2 percent of the funds appropriated for each fiscal year for distribution under this section. Such training shall be conducted through the same organizations through which, and in the same manner in which, the training was conducted in fiscal year 1986. If the contract for such training is not awarded before May 1 of each fiscal year, the contract under which such training was provided for the fiscal year preceding such fiscal year shall be renewed by the Secretary for such fiscal year. The agenda for the training sessions shall be established by the school boards through their regional or national organizations.

(B) For each year in which the Secretary uses a weighted unit formula established under subsection (a) of this section to fund Bureau schools, a Bureau school which generates less than 168 weighted units shall receive an additional 2 weighted units to defray school board activities.

(C) From the funds allotted in accordance with the formula established under subsection (a) of this section for each Bureau school, the

local school board of such school may reserve an amount which does not exceed the greater of—

- (i) \$5,000, or
- (ii) the lesser of—
 - (I) \$15,000, or
 - (II) 1 percent of such allotted funds,

for school board activities for such school, including but not limited to, and notwithstanding any other provision of law, meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

(D) This paragraph shall take effect on October 1, 1989.

(3)(A) The Secretary shall adjust the formula established under subsection (a) of this section to use a weighted unit of 2.0 for each eligible Indian student that—

- (i) is gifted and talented (as determined pursuant to section 2624 of this title), and
- (ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school.

(B) The adjustment required under subparagraph (A) shall be used for the later of the following fiscal years and for each fiscal year succeeding such later fiscal year:

- (i) the second fiscal year succeeding the fiscal year in which the Secretary of Education makes the report required under section 2624(c)(6)(B) of this title, or
- (ii) the first fiscal year for which an increase in the amount of funds appropriated for allotment under this section is designated by the law that appropriates such funds as the amount necessary to implement such adjustment without reducing allotments made under this section to any school.

(4) For each of the fiscal years 1989 and 1990, the Secretary shall adjust the formula established under subsection (a) of this section to provide funding to contract schools that are treated under State law as political subdivisions of the State in an amount sufficient to enable the schools to meet standards imposed by the State.

[See main edition for text of (d) to (h)]

(As amended Pub. L. 101-301, § 5(d)(1), May 24, 1990, 104 Stat. 208.)

AMENDMENTS

1990—Subsec. (c)(2). Pub. L. 101-301, § 5(d)(1)(D), (E), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “All Bureau and contract schools receiving funds under this section shall receive an equal amount as an allowance for local school board training and activities including, notwithstanding any other provision of law, meeting expenses and the cost of membership in or support of organizations engaged in activities on behalf of Indian education.”

Subsec. (c)(2)(A). Pub. L. 101-301, § 5(d)(1)(A), substituted “0.2 percent” for “0.133 percent”.

Subsec. (c)(2)(C)(i). Pub. L. 101-301, § 5(d)(1)(B), substituted “\$5,000” for “\$4,000”.

Subsec. (c)(2)(C)(ii). Pub. L. 101-301, § 5(d)(1)(C), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “1 percent of such allotted funds.”

Subsec. (c)(3) to (5). Pub. L. 101-301, § 5(d)(1)(E), redesignated pars. (3) to (5) as (2) to (4), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 2009, 2503, 2504, 2511, 2624 of this title; title 20 sections 238, 1411, 1484.

§ 2008a. Administrative cost grants

[See main edition for text of (a) to (c)]

(d) Administrative cost account; limitation on availability of funds; effect upon indirect cost recovery determinations

[See main edition for text of (1) to (3)]

(4) In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450j-1] with respect to an Indian tribe or tribal organization that—

(A) receives funds under this section for administrative costs incurred in operating a contract school or a school operated under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.], and

(B) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.],

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs, and of the indirect costs, that are associated with operating the contract school, a school operated under the Tribally Controlled Schools Act of 1988, and all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

[See main edition for text of (e) to (i)]

(As amended Pub. L. 101-301, § 5(f), May 24, 1990, 104 Stat. 208.)

REFERENCES IN TEXT

The Tribally Controlled Schools Act of 1988, referred to in subssecs. (d)(4) and (i), is part B (§§ 5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, as amended, which is classified generally to chapter 27 (§ 2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (d)(4)(B), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

1990—Subsec. (d)(4). Pub. L. 101-301 added par. (4).

§ 2019. Definitions

For the purpose of this chapter—

[See main edition for text of (1) to (4)]

(5) the term “contract school” means an elementary or secondary school or a dormitory

which receives financial assistance for its operation under a contract or agreement with the Bureau under section 450f, 450h(a), or 458d of this title;

[See main edition for text of (6) to (13)]

(As amended Pub. L. 101-301, § 5(a), May 24, 1990, 104 Stat. 207.)

AMENDMENTS

1990—Par. (5). Pub. L. 101-301 made technical amendment to reference to section 450h(a) of this title to reflect renumbering of corresponding section of original act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2011, 2651 of this title; title 20 section 2313.

CHAPTER 24—INDIAN LAND CONSOLIDATION

§ 2201. Definitions

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-238, § 1, Dec. 17, 1991, 105 Stat. 1908, provided that: "This Act [amending sections 2203, 2703, and 2718 of this title, enacting provisions set out as a note under section 1437f of Title 42, The Public Health and Welfare, and repealing provisions set out as a note under section 1437f of Title 42] may be cited as the 'Technical Amendments to Various Indian Laws Act of 1991'."

§ 2203. Adoption of land consolidation plan with approval of Secretary

(a) Statement of purpose; sales or exchanges: terms and conditions

Notwithstanding any other provision of law, any tribe, acting through its governing body, is authorized, with the approval of the Secretary to adopt a land consolidation plan providing for the sale or exchange of any tribal lands or interest in lands for the purpose of eliminating undivided fractional interests in Indian trust or restricted lands or consolidating its tribal landholdings: *Provided, That—*

(1) except as provided by subsection (c) of this section, the sale price or exchange value received by the tribe for land or interests in land covered by this section shall be no less than within 10 per centum of the fair market value as determined by the Secretary;

[See main edition for text of (2) to (5); (b)]

(c) Below market value conveyance of Cherokee Nation of Oklahoma homesites

The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on December 17, 1991, by the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan of the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.

(As amended Pub. L. 102-238, § 3; Dec. 17, 1991, 105 Stat. 1908.)

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-238, § 3(1), substituted "(1) except as provided by subsection (c) of this section, the sale price" for "(1) the sale price".

Subsec. (c). Pub. L. 102-238, § 3(2), added subsec. (c).

§ 2206. Escheat to tribe of trust or restricted or controlled lands; fractional interest; Indian tribal code

(a) Escheat to tribe; rebuttable presumption

No undivided interest held by a member or nonmember Indian in any tract of trust land or restricted land within a tribe's reservation or outside of a reservation and subject to such tribe's jurisdiction shall descend by intestacy or devise but shall escheat to the reservation's recognized tribal government, or if outside of a reservation, to the recognized tribal government possessing jurisdiction over the land if such interest represents 2 per centum or less of the total acreage in such tract and is incapable of earning \$100 in any one of the five years from the date of decedent's death. Where the fractional interest has earned to its owner less than \$100 in any one of the five years before the decedent's death, there shall be a rebuttable presumption that such interest is incapable of earning \$100 in any one of the five years following the death of the decedent.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-644, title III, § 301(a), Nov. 29, 1990, 104 Stat. 4666.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-644 substituted "No undivided interest held by a member or nonmember Indian in any tract of trust land or restricted land within a tribe's reservation or outside of a reservation and subject to such tribe's jurisdiction shall descend by intestacy or devise but shall escheat to the reservation's recognized tribal government, or if outside of a reservation, to the recognized tribal government possessing jurisdiction over the land" for "No undivided interest in any tract of trust or restricted land within a tribe's reservation or otherwise subject to a tribe's jurisdiction shall descend by intestacy or devise but shall escheat to that tribe".

CHAPTER 26—INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1621h of this title; title 20 section 3231.

SUBCHAPTER II—COORDINATION OF RESOURCES AND PROGRAMS

§ 2415. Federal facilities, property, and equipment; leasing of tribal property

LEASE AND OPERATION OF FACILITIES IN FAIRBANKS, ALASKA

Pub. L. 101-630, title V, § 509(b), (c), Nov. 28, 1990, 104 Stat. 4567, provided that:

"(b) LEASE OF FACILITIES.—The Secretary of Health and Human Services, acting under section 4209(c) and 4227(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act [of 1986, 25 U.S.C. 2415(c), 2474(b)], may—

"(1) without regard to section 4209(c)(2) of that Act, lease from the Tanana Chiefs Conference facilities that are located in Fairbanks, Alaska, and that the Tanana Chiefs Conference has leased from another entity, and